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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,702	12/31/2003	Ravikumar Mohandas	1000-0031	9212
7590 04/17/2008 The Law Offices of John C. Scott, LLC c/o PortfolioIP P.O. Box 52050 Minneapolis, MN 55402				
EXAMINER				
NOORISTANY, SULAIMAN				
ART UNIT		PAPER NUMBER		
2146				
MAIL DATE		DELIVERY MODE		
04/17/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/749,702

Applicant(s)

MOHANDAS, RAVIKUMAR

Examiner

SULAIMAN NOORISTANY

Art Unit

2146

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 24 March 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See continuation sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Joseph E. Avellino/
Primary Examiner, Art Unit 2146

Response to Arguments

Applicant's arguments filed on 03/24/2008 have been fully considered but they are not persuasive for the following reasons:

Applicant Argument:

With regard to independent claim 1, in the final office action, the Examiner fails to properly ascertain the differences between the prior art and the claimed invention as required by Graham. In addition, the Examiner fails to provide any articulated reasoning as to why the subject matter as a whole would have been obvious at the time the invention was made in light of the differences between the prior art and the claimed invention. Furthermore, the Examiner does not consider all of the words of the claim in judging the patentability of the claim. For example, as stated in the previous response, independent claim 1 of the present application recites "a tinyDHCP unit to sense said DHCP discover message and allocate an IP address for the client device in response thereto." This is neither taught nor suggested by the combination of Gu and Okano.

Examiner's response:

The cable modem of Okano discloses intercepting a DHCP request from a terminal device, and assigning an IP address (in a cable modem system utilizing a DHCP to dynamically allocate an IP address to a subscriber terminal, a DHCP server address notifying portion of a cable modem termination system notifies a cable modem of a DHCP server address, a DHCP relay agent of the cable modem relays DHCP messages as a relay agent, an IP address detector detects (here is same as senses) the IP address from the DHCP message, so when dynamically allocating the IP address by the DHCP, the cable modem termination system serves as a DHCP relay agent for performing the IP address allocation). Although the cable modem is not explicitly defined as part of the "client device" as Applicant argues, it has been held obvious to make things integral. (see In re Larson 144 USPQ 347 (CCPA 1965)). With this in mind, one of ordinary skill in the art would find it obvious to combine the cable modem and the terminal as a single client device and therefore the rejection is maintained.

Applicant Argument:

With regard to independent claim 14, the Examiner similarly fails to properly ascertain the differences between the prior art and the claimed invention as required by Graham. In addition, the Examiner fails to provide any articulated reasoning as to why the subject matter as a whole would have been obvious at the time the invention was made in light of the differences between the prior art and the claimed invention. Furthermore, the Examiner does not consider all of the words of the claim in judging the patentability of the claim. For example, claim 14 recites (a) "sending a DHCP discover message from within the client device," (b) "receiving said DHCP discover message within the client device," and (c) "allocating an IP address to the client device in response to receiving said DHCP discover message, within the client device." As with claim 1, these actions are all taking place within the client device. The DHCP discover message is both sent and received within the client device and the IP address is allocated within the client device. This is not disclosed or suggested by the cited references (either alone or in combination).

Examiner's response:

In Fig. 29, Gu discloses a data flow diagram of a process for automatic network introduction of the embedded computing device of FIG. 26 into a configured computer network environment per the UPnP protocol, which includes sending/receiving a DHCP discover message "discover listener and discover response" from a client device. Furthermore, in Figs. 2-4 of Okano discloses firstly, the cable modem termination system broadcasts the DHCP server address notifying packet for notifying each cable modem of the IP address of each of the DHCP servers 1 and 2 stored in the DHCP server address notifying portion. The DHCP server addresses are preliminarily registered by the console connected to the cable modem termination system and stored in the DHCP server address notifying portion. As a specific operation of broadcasting, the DHCP server address notifying portion sets the stored DHCP server IP addresses in the DHCP server address notification M1 addressed to the broadcast IP address to be transmitted to the RF interface. Then, the RF interface transmits the DHCP server address notification M1 to each cable modem by broadcasting where in a cable modem system utilizing a DHCP to dynamically allocate an IP address to a subscriber terminal, a DHCP server address notifying portion of a cable modem termination system notifies a cable modem of a DHCP server address, a DHCP relay agent of the cable modem relays DHCP messages as a relay agent, an IP address detector detects (here is same as senses the message) the IP address from the DHCP message, so when dynamically allocating the IP address by the DHCP, the cable modem termination system serves as a DHCP relay agent for performing the IP address allocation. Although the cable modem is not explicitly defined as part of the "client device" as Applicant argues, it has been held obvious to make things integral. (see In re Larson 144 USPQ 347 (CCPA 1965)). With this in mind, one of ordinary skill in the art would find it obvious to combine the cable modem and the terminal as a single client device and therefore the rejection is maintained